IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

W.A.No.2836 of 2003

1.The Employees State Insurance
Corporation,
rep. By its Regional Director,
143, Sterling Road,
Chennai 34.

2.The Employees State Insurance
Corporation,
rep. By its Deputy Director,
143, Sterling Road,
Chennai 34. .. Appellants (Respondents)

-vs-

M/s J.J.Metha and Sons,
rep. By its Partner,
Dilip A Mehta,
No.21, Mc Nicholas Road,
Chetput, Chennai 31. .. Respondent(Petitioner)

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 30.12.2002 made in W.P.No.15978 of 2000.

WP No.15978/2000: Petition presented to this Court under Article 226 of the constitution of India to issue a writ of Certiorari calling for the records relating to the order dated 4.9.2000 bearing No.TN/INS.III/51-36751/34-C-18 (Act)/563/2000 and quash the same.

For Appellants : Mrs.S.Jayakumari
For Respondent : Mr.Balan Haridass

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 30.12.2002 made in W.P.No.15978 of 2000, in and by which, the learned Judge, following the decision of the Supreme Court reported in *2000 SC (L&S) 326 (Whirlpool of India Ltd. vs. Employees State Insurance Corporation)*, allowed the same.

2. Though the learned counsel appearing for the appellants/Employees State Insurance Corporation raised an objection as to the order of the learned single Judge on the ground that there is no information as to whether incentive was paid once in three months or not, and the said fact has to be established factually before the constituted Tribunal, admittedly, the appellants herein who were the respondents before the learned Judge were represented by their standing counsel. No such objection was raised before the learned Judge and in such circumstances, we are not inclined to consider the said objection at this stage. Inasmuch as the applicability of the decision of the Supreme Court is not in dispute, we are not inclined to interfere with the order of the learned Judge. Consequently, the appeal fails and the same is dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gms

WEB COPY

To

1.The Regional Director,
Employees State Insurance
Corporation,
143, Sterling Road,
Chennai 34.

https://hcservices.ecourts.gov.in/hcservices/

2.The Deputy Director,
Employees State Insurance
Corporation,
143, Sterling Road,
Chennai 34.

+1cc to Mrs.S.Jayakumari, Advocate Sr 15637
+1cc to Mr. Balan Haridas, Advocate Sr 15472

PV (CO)
km/20.3.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/